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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 586,202	06 02 2000	David E. Wenstrup	5021	6108

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EXAMINER

KUMAR, PREETI

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 03.26.2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/586,202

Applicant(s)

WENSTRUP, DAVID E.

Examiner

Preeti Kumar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other

### **DETAILED ACTION**

1. Claims 1-16 are pending.
2. The rejection of claims 1, 2, 3, 5, 6, 8, 9, 10, 11, 13, 14 and 16 under 35 U.S.C. 103(a) as being unpatentable over Brodmann et al. (US 4,045,601) is maintained for the reasons of record and further explained below.
3. The rejection of claims 4, 7, 12, and 15 under 35 U.S.C. 103(a) as being unpatentable over Brodmann et al. as applied to claims 1-3, 5, 6, 8-11, 13, 14, and 16, and further in view of Freeman (US 4,902,787) is maintained for the reasons of record and further explained below.

### ***Response to Arguments***

4. Applicant's arguments filed in paper #12 on February 24, 2003, have been fully considered but they are not persuasive. Applicants urge that Brodmann et al. do not disclose a two step process for dyeing a polymeric material wherein the first step is internally dyeing prior to the formation of a yarn or structure and the second step is externally dyeing to form a final color shade. However, contrary to applicant's arguments, Brodmann et al. teach a multi-step process for treatment of woven fiber, first, by impregnation with a liquid pre-finishing composition and then by impregnation with a liquid finishing composition. See col. 2, ln.1-8. In col.4, ln.5-15, Brodmann et al. also teach that the liquid pre-finishing composition comprises pigment dye.

Applicant's also urge that Brodmann et al. disclose a resin finish or coating which has been impregnated on a woven glass fabric in order to achieve the desired level of color on the fabric. The examiner asserts that the coating process as recited by

Brodmann et al. is encompassed by the material limitations of the instant claims which recite externally dyeing said substrate to form a final color shade on said substrate.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to formulate a method comprising the steps of impregnating a colorant into a polymeric material, assembling a substrate from the polymeric material, and externally dyeing said substrate to form a final color shade on the substrate, and the other requisite components of the composition in the specific proportions as recited by the instant claims, with a reasonable expectation of success, because the broad teachings of Brodmann et al. suggest a method comprising the steps of impregnating a colorant into a polymeric material, assembling a substrate from the polymeric material, and externally dyeing said substrate to form a final color shade on the substrate, and the other requisite components of the composition in the specific proportions as recited by the instant claims.

Applicant's also urge that Brodmann et al. in view of Freeman fail to teach the addition of the UV stabilizing agent into the polymeric material prior to the formation of the structure or yarn. However, contrary to applicant's arguments, Freeman specifically that the photostabilizer is incorporated into the dyestuff structure. See col.3, ln.23-27.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to add the UV stabilizing agent into a polymeric material as an internal process, with a reasonable expectation of success because the broad teachings of Freeman suggest a method of impregnating a photostabilizer moiety into the

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dyestuffs structure and further, Brodmann et al. teach that the pre-finishing composition also contains pigment dye in general.

**Conclusion**


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Preeti Kumar whose telephone number is 703-305-0178. The examiner can normally be reached on M-F 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra N. Gupta can be reached on 703-308-4708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-872-9309.

Preeti Kumar  
Examiner  
Art Unit 1751

PK  
March 24, 2003

  
Mark Kopec  
Primary Examiner